

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION**

AMERICAN WHITEWATER, et al)	
)	
Plaintiffs,)	
)	
v.)	
)	
THOMAS TIDWELL, in his official capacity as)	Civil Action No 8:09-cv-02665
Chief of the United States Forest Service; et al)	
)	
Defendants.)	
)	
)	
)	

I am filing the attached document related to this matter:

DECLARATION OF KENNETH R. STRICKLAND

DATED: October 15, 2009

NELSON GALBREATH, LLC

s/ J. Nathan Galbreath

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ATTORNEYS FOR PLAINTIFFS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

AMERICAN WHITEWATER, et al.)	
)	
Plaintiffs,)	
v.)	
)	
THOMAS TIDWELL, in his official capacity as Chief)	Civil Action No.
of the United States Forest Service, et al.)	
)	
Defendants.)	

AFFIDAVIT OF KENNETH L. STRICKLAND

Before me, the undersigned authority, Kenneth L. Strickland, being by me duly sworn, deposed as follows:

My name is Kenneth L. Strickland. I reside at 210 Padena Drive, Box #63 Morganton, Georgia 30560. My date of birth is May 19, 1947. I am an American Whitewater member whose primitive recreational floating use of the Headwaters of the Chattooga River, North of Highway 28 has been interrupted by Defendants' unlawful closure of that portion of the river to primitive recreational floating and to no other primitive recreational uses.

I legally paddled the now closed portions of the river prior to the unlawful closure and am now prevented from lawfully doing so. I am personally irreparably harmed by the closure because I am no longer allowed to access one of my favorite waterways for river adventure and the myriad other primitive floating activities that I currently would enjoy if the river were open for floating recreation in accordance with applicable law.

I am irreparably harmed because there are only a limited number of days a year that the Headwaters carry enough water to float, and each of those days that go by can never be regained

nor can I be adequately compensated for the loss of those days. The Headwaters provide a quality of floating that is not available on any other river in the Southeast United States.

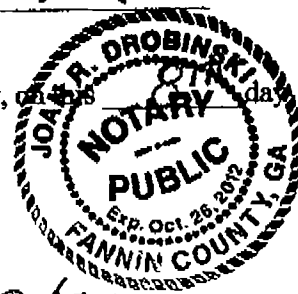
Furthermore, I am now 62 years of age and the number of years remaining in my life that I will be physically able to float these challenging, magnificent waters and see the unique scenery along the Headwaters are limited. Unless this Temporary Restraining Order and Preliminary Injunction are granted, restoring my legal right to be on the Headwaters, I will be irreparably harmed by losing most, if not all of my opportunities to ever again float the headwaters. I expect that I will be physically able to float the headwaters for very few more years.

Further Affiant sayeth not.

Kenneth L. Strickland
KENNETH L. STRICKLAND

SUBSCRIBED AND SWORN to before me, the undersigned authority, on this 14th day of October, 2009, to certify which witness my hand and official seal.

Joan R. Drobinski
Notary Public in and for the State of Georgia



My Commission Expires:

Oct. 26, 2012